

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRITTANY BURK, on behalf of herself §
and all others similarly situated, §
§
Plaintiff, § Civil Action No. 4:19-cv-00663
v. §
§
DIRECT ENERGY, LP, §
§
Defendant. §

JOINT STATUS LETTER

Pursuant to the Court's June 26, 2020 Minute Entry [ECF No. 63] counsel for Plaintiff Brittany Burk and Direct Energy continue to work toward accomplishing the outstanding actions outlined in their Joint Statement Regarding Discovery Plan [ECF No. 58].

Since the last status conference, Direct Energy has produced responsive records from Teledrip and will substantially complete its production from its own records and TMC's records by the end of next week. Direct Energy anticipates instructing its litigation support vendor to run production of TMC emails by Thursday July 9, 2020. Barring unforeseen technical issues, Direct Energy believes this substantial production of TMC emails will be ready for Plaintiff's review on Monday July 13, 2020, and that the production from Direct Energy's own records will be substantially complete by Friday, July 17, 2020.

The parties have no discovery disputes at this time, but Plaintiff reserves her right to seek any additional responsive documents from Direct Energy, TMC, Teledrip, and/or BriteBox after receiving and reviewing the forthcoming productions.

Concerning ongoing issues with TMC, TMC has represented that it will produce a privilege log (as requested in Direct Energy's June 16, 2020 letter, Dkt. No. 61-1) by Monday July 20, 2020. In addition, on July 7, 2020, Direct Energy filed the attached emergency motion to intervene and cancel the foreclosure sale. Direct Energy's motion is set for hearing on Friday, July 10, 2020. While the motion remains pending, Direct Energy is continuing to work with TMC and Big Elk on ways to preserve documents and permit the foreclosure sale. TMC has not committed to filing an answer in this case, but has indicated that it will make a decision by next week.

The Parties stand ready to address any and all questions from the Court.

Dated: July 10, 2020

Respectfully submitted,

McDOWELL HETHERINGTON LLP

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Attorneys for Plaintiff Brittany Burk

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2020, a true and correct copy of the foregoing was served on all counsel of record via CM/ECF.

/S/ Michael D. Matthews, Jr.
Michael D. Matthews, Jr.